

REMARKS

This application has been reviewed in light of the Office Action dated June 21, 2007. Claims 2, 3, 7, 8 and 10-13 are presented for examination, of which Claims 2, 7, 8, 10, 12 and 13, which are in independent form, have been amended to define still more clearly what Applicants regard as their invention. Claims 4 and 9 have been cancelled without prejudice or disclaimer of subject matter. Favorable reconsideration is requested.

Request for Priority Acknowledgment

A claim to priority was made in the Declaration filed in this application, and a Submission Of Priority Document for this application was filed with a certified copy of the priority document on January 27, 2004, and appear on PAIR. Applicants respectfully request acknowledgment of the claim for foreign priority and the receipt of the certified copy.

The Office Action

Initially, it is noted that a Preliminary Amendment was filed in this application on May 18, 2007, but that the outstanding Office Action does not take the changes made therein into account. Since those changes were formal (apart from cancellation of Claims 1, 5 and 6), it is not believed that consideration of that document would have changed the Examiner's Action on the claims remaining in this application. In any event, since Applicants have not been advised by the Office that that Preliminary Amendment was not entered, the claim listing shown above is based on the assumption that the changes made by that Preliminary Amendment have been entered.

Also, a third Information Disclosure Statement was filed on May 18, 2007, and it is assumed that the Examiner will consider it when he next takes this case up for action.

Applicants note with appreciation the indication that Claims 10 and 11 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. Claim 10 (from which Claim 11 depends) has been so rewritten, and is believed to be in condition for allowance. Moreover, the recitations of original Claim 10 have been added to independent Claims 12 and 13, which also are believed to be in condition for allowance.

Of the other remaining claims, Claims 2, 3, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patents 6,754,379 B2 (Xiong et al.) and 6,983,082 B2 (Duiker) taken in combination.

Independent Claim 2 is directed to an image processing method for generating a panoramic image by compositing first and second images. That method comprises acquiring the first and second images, and a reference image which has overlapping portions with both of the first and second images, and calculating (1) a first conversion condition required to adjust a hue or brightness level of the first image to a hue or brightness level of the reference image, and (2) a second conversion condition required to adjust a hue or brightness level of the second image to the hue or brightness level of the reference image. The first image is converted on the basis of the first conversion condition, and the second image, on the basis of the second conversion condition, and the panoramic image is generated by compositing the converted first image and the converted second image without the reference image.

Among other notable features of the method of Claim 2 are calculating a first/second conversion condition required to adjust a hue or brightness level of the first/second image to a hue or brightness level of the reference image, respectively, in combination with converting the first and the second images on the basis of the first and

the second conversion conditions, respectively, and generating the panoramic image by compositing the converted first image and the converted second image without the reference image.

Applicants note that the first/second conversion condition is to adjust a hue or brightness level of the first/second image to a hue or brightness level *not* of the second/first image but of *the reference image*, which is *not* included in the generated panoramic image. The generating step in Claim 2 involves generating the panoramic image by compositing the converted first image and the converted second image and does not make use of the reference image.

Xiong relates to a system in which a 3D panoramic image is generated from rectangle images. Specifically, rectilinear images taken from a plurality of rows are registered with one another pairwise, and a local error function is used to minimize certain parameters in a projective transformation to produce a local optimization. The local error function values for these registrations are saved and are later used to construct a quadratic surface to approximate a global error function. Applicants submit, however, that nothing has been found in *Xiong* that has anything at all to do with using a reference image to generate a 3D panoramic image. The *Xiong* system generates a 3D panoramic image from images that *are* to be included in the generated panoramic image.

In other words, *Xiong* appears to Applicants to have an entirely different approach from the method set out in Claim 2, and in particular that patent does not appear to teach or in any way suggest using any images that are not composited or combined with any other images. For example, Fig. 11 of *Xiong* shows three images, i.e., image 1, image N-1, and image N, and all of those three images are to be composited. There is not found

in the *Xiong* approach any image that would correspond to the reference image of the method of Claim 2.

Accordingly, Applicants submit that Claim 2 is clearly allowable over *Xiong*, taken alone.

The *Duiker* process also is not seen to disclose or suggest using such a reference image in generating a panoramic image. Even if these two patents are combined in the manner proposed in the Office Action, moreover (and even assuming for argument's sake that such combination would be a permissible one), Applicants submit that nothing in the result of that combination would teach or suggest "generating the panoramic image by compositing the converted first image and the converted second image without the reference image", as recited in Claim 2. Thus, Claim 2 is believed to be allowable over those two patents, taken separately or together.

Independent Claims 7 and 8 are computer-readable medium and apparatus claims, respectively, corresponding to method Claim 2, and are therefore believed to be allowable for at least the reasons set out above with regard to Claim 2.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and allowance of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Leonard P Diana/
Leonard P. Diana
Attorney for Applicants
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FGHS_WS 1599500v1